

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**NICOLE WASHINGTON O/B/O  
S.J.S. (MINOR CHILD)**

**Plaintiff,**

**5:18-cv-00188 (BKS/DJS)**

**v.**

**NANCY A. BERRYHILL, Acting Deputy Commissioner  
for Operations Performing the duties and functions not  
reserved to the COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**Hon. Brenda K. Sannes, United States District Judge:**

**ORDER**

Presently before the Court is Plaintiff's motion to voluntarily dismiss this action under Fed. R. Civ. P. 41(a)(1)(A)(ii) and Local Rule 17.1. (Dkt. No. 14). Defendant's counsel consents to voluntary dismissal. (Dkt. No. 14, at 2). In support of the motion, Plaintiff has submitted a memorandum of law and an attorney affidavit. (Dkt. Nos. 14, 14-1, 15). Local Rule 17.1 provides that where, as here, an action is brought "by or on behalf of an infant," it "shall not be . . . voluntarily . . . dismissed . . . without leave of the Court." L.R. 17.1(a). It further provides that such proceedings "shall conform to the New York State statutes and rules" but that the Court "for good cause shown, may dispense with any New York State requirement." *Id.* Having reviewed the submissions in this case, the Court finds good cause to dispense with the New York State requirements, and grants Plaintiff's motion for voluntary dismissal. Accordingly, it is


**ORDERED** that Plaintiff's motion for voluntary dismissal (Dkt. No. 14) is **GRANTED**;  
and it is further

**ORDERED** that the Complaint is **DISMISSED without prejudice**; and it is further

**ORDERED** that the Clerk of the Court is directed to close this case.

**IT IS SO ORDERED.**

Date: August 31, 2018  
Syracuse, New York

  
**Brenda K. Sannes**  
**U.S. District Judge**